

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

BY-LAW NO. 24-020

Protection of Lot Grading and Drainage Features

BEING a by-law of the Municipality of Mississippi Mills to regulate the alteration of drainage features and the grading and drainage of land.

WHEREAS the Municipal Act, s.o. 2001, c. 25, Section 11(1), provides that a Municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 11(2) of the Municipal Act, s.o. 2001, c. 25, states that a Municipality may pass by-laws, respecting services and things that the municipality is authorized to provide under subsection (1);

AND WHEREAS Section 11(3) of the Municipal Act states that a Municipality may pass by-laws, respecting matters within the following spheres of jurisdiction: Public utilities, Highways, and drainage and flood control;

AND WHEREAS Section 142(2) of the Municipal Act states that a local municipality may prohibit or regulate the alteration of the grade of the land;

AND WHEREAS the Council of the Municipality deems it expedient and desirable to enact a by-law to make certain rules and regulations for the alteration of drainage features and grading and drainage of land;

Now therefore the council of the Municipality of Mississippi Mills enacts as follows:

1. Definitions

- 1.1. "Drainage Feature" means any natural or human made element designed or intended for the purposes of capturing and conveying surface water run-off to a designated discharge location and/or ultimate storm sewer outlet.
- 1.2. "Director" means the Director of Roads and Public Works or their designate.
- 1.3. "Grading and Drainage" means using the shape of the ground surface to direct surface water away from structures and towards an existing discharge location or storm sewer inlet whether by way of natural characteristics and/or alteration of the ground surface and/or by a Drainage Feature.
- 1.4. "Overland Flow" means water that runs across the land after rainfall before it enters a watercourse or storm sewer inlet.

- 1.5. "Person" means an individual, association, partnership, corporation, municipality, provincial or federal agency or any agent or employee thereof.
- 1.6. "Regular pooling of water" shall mean the reoccurrence of pools or puddles of water on land which persist in dry weather for a minimum period of 36 hours after a rainfall event.
- 1.7. "Rainfall event" means any occurrence of rain, preceded by twelve (12) hours without precipitation, that results in the accumulation of 2 mm or more.
- 1.8. "Dry Weather" means a length of time where no rainfall events occur.

2. Application

- 2.1. This By-law applies to all lands within the Municipality of Mississippi Mills that are designated Settlement on Almonte Ward – Schedule B of the Municipality's Official Plan, as amended.

3. Prohibitions

- 3.1. No Person shall, without the written permission of the Director, do any of the following:
 - 3.1.1. Modify, change, or damage a Drainage Feature
 - 3.1.2. Partially or completely fill in a Drainage Feature
 - 3.1.3. Construct any structure within or over a Drainage Feature
 - 3.1.4. Permanently place any object within a Drainage Feature
- 3.2. No Person shall change the Grading and Drainage of any land such that the following occurs:
 - 3.2.1. The permanent or Regular Pooling of Water; or
 - 3.2.2. Redirection of Overland Flow such that it flows onto adjacent properties which did not previously receive such flows, or
 - 3.2.3. Erosion of soils caused by Overland Flow.

4. Penalties

- 4.1. Every Person who contravenes any of the provisions of this By-law is guilty of an offence.
- 4.2. A Person who is convicted of an offence for contravening this By-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000 and the total of all of the daily fines for the offence is not limited to \$100,000 as provided for in subsection 429(3)2 of the Municipal Act, 2001, c.25, as amended.

4.3. If a Person is convicted of an offence for contravening this By-law, the court in which the contravention has been entered, and any court of competent jurisdiction thereafter may order the person, in such a manner and within such a period as the court considers appropriate to:

4.3.1. Restore the grading and drainage and/or drainage features to their original condition.

4.3.2. Prohibit the continuation or repetition of the offence by the Person convicted.

5. Reinstatement of Grading and Drainage

5.1. The Director may give written notice to the owner of a property to which unauthorized changes to Grading and Drainage have been made, to remove the unauthorized works and to reinstate the Grading and Drainage to a condition acceptable to the Director in their absolute discretion.

5.2. If the work required by the notice referred to in Section 5.1 is not completed to the satisfaction of the Director within the date required in the notice, the Director may enter the property with such persons and equipment as are necessary and reinstate the grading and drainage features at the owner's cost and the Municipality may add the costs to the tax roll and collect them in the same manner as taxes.

6. Severability

If any section, subsection or part or parts thereof be declared by any court of law to be illegal or ultra-vires, such section, subsection, or part or parts shall be deemed to be severable and all parts shall be deemed to be separate and independent and enacted as such.

BY-LAW read, passed, signed and sealed in open Council this **23 day of April, 2024.**

Christa Lowry, Mayor

Jeanne Harfield, Clerk

Item	Short Form Wording	Section	Administrative Penalty 1 st Offence	Administrative Penalty 2 nd Offence	Administrative Penalty 3 rd Offence
1.	Cause or permit the modification, change, or damage to a drainage feature	3.1.1	200	300	450
2.	Cause or permit the filling in of a drainage feature	3.1.2	500	750	1125
3.	Cause or permit the construction of a structure within or over a drainage feature	3.1.3	500	750	1125
4.	Cause or permit an object to be permanently placed within a drainage feature	3.1.4	200	300	450
5.	Change the grade of land such that water pooling is recurrent or permanent	3.2.1	200	300	450
6.	Change the grade of land such that Overland flow is redirected to adjacent properties	3.2.2	350	525	787
7.	Change the grade of land such that soil erosion occurs	3.2.3	200	300	450